IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 26693 of 2007()

PETITIONER:

THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM, REPRESENTED BY
DEPUTY LAW OFFICER, SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS:

SMT.A.SUBAIDA BEEVI,
SAINANDANAM, T.C.48/383, NAVODYA LANE,
PARAVANKUNNU, POONTHURA P.O.,
THIRUVANANTHAPURAM.

BY ADV.SRI.S.MOHAMMED AL RAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE COMPLAINT NO.1312/07 DTD. 29-05-07
EXT.P2	TRUE COPY OF THE ORDER OF THE KERALA LOK AYUKTA ON COMPLAINT NO.1312/07 DTD. 09-08-2007
EXT.P3	TRUE COPY OF THE LETTER NO.LR8-023330/07 DTD. 20-07-2007
EXT.P4	TRUE COPY OF THE JUDGMENT IN W.A.NO.289/01 DTD. 20-11-02
EXT.P5	TRUE COPY OF THE INTERIM ORDER IN CIVIL APPEAL NOS. 5401-5407 OF 2002 DTD. 29-08-2002 OF THE HONOURABLE SUPREME COURT.
EXT.P6	TRUE COPY OF THE JUDGMENT IN W.P.C.NO.19040/07 DTD. 09-08-07
EXT.P7	TRUE COPY OF THE JUDGMENT IN W.A.NO.1642/07 DTD. 06-07-2007

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(c).No. 26693 OF 2007

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Dated this the 3rd day of October, 2007

JUDGMENT

Petitioner-Corporation has challenged Ext.P2. By Ext.P2 petitioner has been directed to disburse the retiral benefits of DCRG , CVP and also the arrears of pay revision to the respondent.

I heard learned counsel for the respondent also. The marriage of the respondent's daughter which is fixed to be solemnised on 21/10/2007 was the reason that weighed with the Lok Ayukta in directing payment of pensionary benefits. I follow my judgment in W.P.(C)No.19040/07. Petitioner is entitled to the declaration in terms of prayer No.2. Accordingly, I grant prayer No.2. However, in view of the fact that the marriage of the respondent's daughter is fixed to be solemnised on 21/10/2007, I feel that the respondent has made out a case for deviation from the principle of seniority. Accordingly I quash Ext.P2 and there will be a direction to the petitioner to pay to the respondent the amount due as DCRG or Commutated Value of Pension whichever is higher on or before 15/10/2007. I make it clear that in respect of the claim for arrears of pay, it is open to the respondent to approach the appropriate forum and I leave open that right.

(K.M.JOSEPH, JUDGE)

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